



Shire of Morawa

Response to WALGA Discussion Paper: *Review of Local Government Act 1995*

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Author: Sean K Fletcher

Acting Chief Executive Officer



The Shire of Morawa's response to the WALGA Discussion Paper was resolved by Council at its meeting on Thursday 19 October 2017 as follows:

WALGA Discussion Paper Reference	Issue/WALGA Position	Comment/Explanation	Support WALGA Position
Part 1 Introductory Matters			
Local and Statewide Public Notice: Sections 1.7 and 1.8	<p>Phase 1 Matter – Making Information Available On -line</p> <p>Already common practice within the LG Sector to place statutory public notices on official websites</p>	<p>Local Public Notice consists of a notice placed:</p> <ul style="list-style-type: none"> • Local government public noticeboard; • Local government library public noticeboard; • In a newspaper that circulates generally throughout the district; • If no time prescribed, it must be published at least once and for a minimum of 7 days. <p>Statewide notice consists of the same for local public notice, except the notice in the newspaper is required to generally circulate throughout the State.</p>	<p>Yes.</p> <p>Publishing a matter on-line is more efficient and effective in terms of resources and in terms of a wider and immediate distribution. On-line should be the preferred method of notice and so removes the need for statewide notification in its current forms.</p> <p>However, hardcopy distribution would be still appropriate in terms of local public notice and the timeframe as well.</p>
Part 2 – Constitution of Local Government			
Method of Election of Mayor/President: Section 2.11	WALGA Position Statement is that local governments should determine whether the Mayor/President is elected by the community	A council can resolve by 75% majority for the Mayor/President to either be elected from within council or by popular election (from the community).	<p>Yes.</p> <p>Either method of filling the Mayor/President works well</p>
Elected Member Training: New Proposal	WALGA opposes legislation that would require candidates to undertake training (i.e. mandatory) or prior to nominating	The elected member skill set is in-capsulated within the nationally recognised local government training framework.	No – Training should be mandatory. The precedent exists where training and development is often recognised by Australian

	<p>for election or through incentives through fees and charges.</p> <p>However, if training becomes mandatory, WALGA will seek to ensure that it is only for first time elected members using the Elected Member Skill Set, applying RPL, with it completed within 12 months and applies a penalty for non-completion through a reduction in fees and charges</p>	<p>A diploma is available for completion consisting of 10 modules out of the recognised framework.</p>	<p>courts as part of fiduciary responsibility (to act in good faith, to act without conflict when accepting responsibility for something) when being a member (director) of corporate board, trustee etc.</p> <p>Elected members should undergo some level of training and even undertake a level of on-going training and development as applied in other professions.</p> <p>An acceptable level of training would be completion of three modules e.g. Serving on Council, Meeting Procedures and Debating and Financial Management. A total of three days training.</p> <p>Ongoing training could consist of refresher training that is provided on-line or as some zones already do re a training day every two years.</p> <p>Yes – Elected Member Skill Set Yes – First time members, but there should be some form of on-going training as part of professional development Yes – RPL</p>
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			Yes – within 12 months Neutral – Penalty for non-completion re a reduction on fees and allowances.
Stand Down When Contesting State of Federal Election: New Proposal	Amend the Act to require an Elected Member to stand down when contesting a State or Federal Election	Currently, it is up to the Elected Member to determine if they wish to take a leave of absence. In some cases, elected members have resigned.	Yes Local government is a public office. As with public servants, the consistent principal is for provisions introduced where the elected member takes a leave of absence and then resigns once elected to higher office.
Part 3 – Functions of Local Government			
Notification of Affected Owners: Section 3.51	WALGA’s current position is that affected owners requiring notification of certain proposals should be amended: <ul style="list-style-type: none"> • “person having an interest” to those person immediately adjoining the proposed road works; • To include significant, defined categories of road works 	Specifically, this section applies: <ul style="list-style-type: none"> • To fixing or altering the level of, alignment of, a public thoroughfare (e.g. road, footpath etc.); • Or draining water from a public thoroughfare or other public space adjoining land <p>Currently Section 3.51(3)(a) invites anyone who wishes to make a submission regarding a proposal though writing to each person who has an interest and by public notice if the land is to adversely affected by such activity.</p>	Yes This is consistent with the principles regarding what is a “proximity interest”. Furthermore, this means that before commencing any such works, regardless of how minor the works are, public notice must be given and submissions must be invited. It is doubtful whether many local governments currently undertake such notice for minor activities.

Control of Certain Unvested Facilities: Section 3.53	<p>Currently there is a requirement for Local Government to take responsibility for an unvested facility (thoroughfare, bridge, jetty, drain or watercourse) belonging to the Crown (State)</p>	<p>This requirement places an unwarranted and unfunded burden on a number of local governments regarding Crown Land.</p> <p>WALGA recommends that Section 3.53 is deleted and that facilities located on Crown Land return to the State as the appropriate land manager.</p>	<p>Yes</p>
Regional Local Governments: Part 3, Division 4	<p>WALGA's position is the compliance obligations of Regional Local Governments should be reviewed</p>	<p>Currently, a formal regional local government (as opposed to voluntary regional local government or VROC) has the same compliance burden placed upon that as for a local government.</p> <p>A CEO (and hence staff) is required to administer the regional local government</p>	<p>Yes</p> <p>The administrative burden has seen a number of regional local governments fold over time due to the compliance burden and thus cost associated with such a burden</p>
Council Controlled Organisations: Part 3, Division 4	<p>WALGA's position is that the Act should be amended to allow local governments to establish Council Controlled Organisations or Local Government Enterprises as defined in WALGA's 2008 SSS Report</p>	<p>This model allows one or more local governments to establish a wholly owned commercial organisation.</p> <p>New Zealand uses such a model effectively. An example is the Wellington City Council:</p> <ul style="list-style-type: none"> • Basin Reserve Trust; • Wellington Zoo Trust; • Wellington Regional Economic Development Agency 	<p>Yes</p> <p>Is more effective than the restrictions placed on regional subsidiaries and is open to all local governments</p>
Local Government (Functions and General Regulations) 1996 – Tender Threshold: Regulation 11(1)	<p>WALGA's position is to increase the tender threshold to align with the State Government threshold of \$250,000</p>	<p>The current threshold is \$150,000. It is considered a hindrance to local governments procuring low end goods or services.</p> <p>The Department's position is that the tender threshold is applicable over a three year period. So, a good or service procured will</p>	<p>Yes</p> <p>This new threshold will help local governments respond even more quickly regarding procurement matters</p>

		need to go to tender if it is likely to exceed the spread of \$50,000 per year over the three year period	
Local Government (Functions and General Regulations) 1996 – Disposition of Property: Regulation 30(3)	WALGA is recommending that the “changeover” provisions re the threshold limit is deleted	The current limit is \$75,000. This can effectively impact on key land and property transactions and plant and equipment transactions	Yes
Local Government (Regional Subsidiaries) Regulations 2017	WALGA’s position is that Regional Subsidiaries be allowed to: <ul style="list-style-type: none"> • Borrow in their own right; • Enter into land transactions; • Undertake commercial activities 	The regulations have ended up restricting the benefits or purpose of the regional subsidiaries. The original premise was that a regional subsidiary would allow a better funding stream through establishing corporate entities that regional local governments (remote, country) could set up and have control of (i.e. more than 50% ownership). However, regional subsidiaries are currently restricted to joint service provision – thus formalising VROC arrangements rather than acting as a true separate entity	Yes Regional local governments should have the opportunity to establish formal corporate entities that will enhance income streams and/or provide an enhanced service e.g. regional landfills and transfer stations rather than a formal regional council.
Part 4 – Elections and Other Polls			
Conduct of Postal Elections: Sections 4.20 and 4.61	WALGA’s position is that the Act should be amended to allow others to conduct postal elections i.e. the Commonwealth Electoral Commission and Local Government	Currently the Western Australian Electoral commission has a legislated enshrined monopoly to conduct postal voting. Approximately 65% of all local governments in WA use postal voting	Yes

Voluntary Voting: Section 4.65	WALGA's position is that voting in Local Government elections should remain voluntary		Yes The reality is that it will be extremely difficult for local governments to enforce a regulatory regime regarding those who did not vote (other than through the issue of an infringement). This would not be the most effective use of a local government's resources
On-Line Voting	WALGA has received from three Zones to explore the possibility of on-line voting	On-line voting is clearly seen as a key method to increase elector participation at local government elections iVote (electronic voting) is now used by the WAEC for those who have insufficient literacy skills, are sight impaired, or incapacitated in some way	Yes The use of the iVote system and the electronic roll at the last State Election at some venues greatly improved the experience for voters
Part 5 – Administration			
Electors General Meeting: Section 5.27	WALGA's position is that what is effectively known as the Annual General Elector meeting are not made compulsory	There is adequate provisions in the Act regarding the public to participate in local government matters. Also the current <i>Local Government Amendment (Auditing) Bill 2017</i> proposes that a local government's annual report is place on its official website within 10 days of being received	Yes Many local governments would appear to have minimal or no turn out to the Annual General Electors meeting. The Shire of Morawa has experienced the same with one person at most attending such a meeting from year to year. Special meetings can still be called by the electors if required

<p>Special Electors' Meeting: Section 5.28</p>	<p>That section 5.28(1)(a) be amended re the number of prescribed persons to call a meeting from 100 (or 5% of electors) to 500 (or 5%) of electors.</p> <p>A special meeting cannot be called for the same issue if within a 12 month period, unless Council determines otherwise</p>	<p>Allows for the recognition of the population increases experienced by many local governments.</p> <p>Multiple meetings on the same issue can severely undermine a useful and democratic process</p>	<p>Yes to both requirements</p>
<p>Senior Employees: Section 5:37(2)</p>	<p>WALGA is suggesting that this clause is deleted and thus reduce the ambiguity it creates as the CEO is responsible for appointment of employees</p>	<p>The CEO is currently required to inform the Council of each proposal to employ or dismiss a senior employee. The Council may accept or reject the CEO's recommendations and advise the CEO of its reasons. However, it does not stop the CEO from proceeding with either action</p>	<p>Yes</p> <p>The role of the CEO and Council should always be clear</p>
<p>Annual Review of Certain Employees Performance: S 5.38</p>	<p>Section 5.38 should be deleted or amended so that there is only the specific statutory requirement by Council to conduct the CEO's performance review.</p>	<p>This section creates ambiguity regarding the performance review process as it states that each employee employed for a term of one year or more (including the CEO and senior employees) is to be reviewed at least once in relation to every year of employment</p> <p>Section 5.41(g) of the Act makes it clear that the CEO is responsible of all staff matters.</p>	<p>Yes</p> <p>The role of the CEO and Council should always be clear</p>
<p>Gifts and Contribution to Travel: Sections 5.82 and 5.83</p>	<p>The current gift provisions within the Act are very confusing and overly prescriptive.</p> <p>The provisions need a thorough review</p>	<p>The Department has a gift working group in place to look at completely reviewing the gift provisions. WALGA representatives have been advocating the following:</p> <ul style="list-style-type: none"> • There is one section for declaring gifts. Delete declarations for travel; 	<p>Yes</p> <p>The Departmental advice issued from time to time on how the gift and travel provisions should be applied have created confusion for</p>

		<ul style="list-style-type: none"> • No requirement to declare gifts received in a genuinely personal capacity; • Gift provisions only for Elected Members and CEO's. Other staff fall under Codes of Conduct from the CEO to the staff; • Gifts only to be declared if above \$500.00; • There will not be any category of notifiable gifts or prohibited gifts; • Gifts only to be declared in respect to an Elected Member or CEO carrying out their role; • Exemptions for ALGA, WALGA and LG Professionals (already achieved); • Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts. So Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift. <p>The Department's Fact Sheet – Gift Disclosures makes the comment that it is time to ensure the gift laws match public expectations of accountability.</p>	<p>both officers and elected members.</p> <p>Many local governments will need to review their codes of conduct and possibly separate their current code into two codes of conduct re the elected member and staff provisions. This is so that the proposed position that the Gift Provisions apply only to the elected members and the CEO.</p>
<p>Vexatious and Frivolous Complainants: New Provision</p>	<p>WALGA recommends that a statutory provision be considered, permitting a local government to declare a person a vexatious or frivolous complainant</p>	<p>Vexatious and frivolous complainants are an extensive cost and diversion of resources across the local government sector</p>	<p>Yes</p> <p>Vexatious persons are known to dominate not just the administration's time, but council</p>

			meetings as well regarding public question time or when making a deputation
Local Government (Administration) Regulations 1996 – Revoking or Changing Decisions: Regulation 10	Regulation 10 provides the mechanism to revoke or change a previous decision	The CEO under section 5.41(c) of the Act is to cause council decisions to be implemented The provisions of the regulations do not apply to Council decisions that have already been implemented.	Yes However, the clarity should be around whether a revocation is applicable once the decision has been implemented or is underway
Local Government (Administration) Regulations 1996 – Minutes, Content of: Regulation 11	This regulation does not make a reference to the reports and information that form the basis of the Agenda to that meeting. An amendment should be made to the regulations that clarify the need for reports etc. and thus be considered an aid to community understanding regarding the decision making process	The Department issued in the early 2000s a Guide to Agenda and Minutes which serves as the template used by the majority of local governments to provide minutes and agendas. In this guide, it points out that the agenda report is the main form of advice to a Council. The Department has updated this guide, but has yet to re-issue it	Yes Perhaps the regulations need to reference a guideline that the Department may issue from time to time regarding this matter
Local Government (Administration) Regulations 1996 – Repayment of Advance Annual Payments: New Regulation	The latest changes to the Act introduced Section 5.102B, which provides that regulations may be made to recover the advance payments made to those holding office who subsequently ceases to hold office	Regulations have yet to be made for the recovery of advance payments and it is recommended that this matter be prioritised	Yes
Local Government (Rules of Conduct) Regulations 2007	WALGA's position is that it supports official conduct legislation to govern the behaviour of Elected Members and that there is an efficient and		Yes However, explore other state jurisdictions (e.g. Victoria) that has statutory provisions in place that allow a Council through its code of

	effective and confidential process in place to deal with such matters		conduct to deal with matters regarding an elected member's behaviour through conducting a clear and fair process before the Council
Part 6 – Financial Management			
Imposition of Fees and Charges: Section 6.16	<p>That a review be undertaken to remove fees and charges from legislation and Council be empowered to set fees and charges for local government services.</p> <p>WALGA also recommends that Section 16.6 is amended so that it only relates to statutory application fees and charges and not consumer items etc.</p> <p>Under the principle of “general competence”, which the Act is modelled on, local governments should be empowered to set fees and charges for specific services.</p>	<p>Fees and charges are currently set according to three methods:</p> <ul style="list-style-type: none"> • By legislation (statutory fees) e.g. dog registration fees, town planning fees, building permits; • With an upper limit set by legislation; • By the Local Government. <p>Fees set by the State Government (statutory fees) are of a particular concern because a local government cannot undertake cost recovery (recoup the cost, or even a reasonable portion of the cost), for providing the service that the State requires to be provided. This creates a key source of revenue leakage and this type of fee setting also lacks transparency.</p> <p>An example of the cost recovery principle and how it can be applied can be found set out in the Australian Government Cost Recovery Guidelines.</p>	<p>Yes.</p> <p>However, the Shire would question whether statutory application fees and charges should be excluded.</p> <p>Another issue is the length of time it takes for new or revised statutory fees to come through that could impact on the local government budget process.</p>
Power to Borrow: Section 6.20	Section 6.20(2) requires that if the power to borrow is exercised and the details are not included in the		Yes

	<p>budget, the local government must give one month's public notice. There is no requirement to consider submission received through this process. This holds up the process to borrow and should be deleted</p>		<p>Any new loans drawn down can be identified through the Budget Review process and the annual financial statements.</p> <p>Funds can only be borrowed in accordance with a local government's debt servicing ratio</p>
<p>Restrictions on Borrowings: Section 6.21</p>	<p>WALGA's position is that Section 6.21 should be amended to allow freehold land in addition to its general fund, as security when borrowing</p>	<p>Section 6.21 acts as a disincentive for investment in community infrastructure. Only the general fund can be used and not the Shire's assets to secure its borrowings.</p> <p>Treasury also requires contingent liabilities, or the local government's portion of a contingent liability to be taken into account for the purposes of borrowing.</p> <p>A contingent liability is a potential liability that may occur, depending on the outcome of an uncertain future event. A contingent liability is recorded in the accounting records if the contingency is probable and the amount of the liability can be reasonably estimated. An example is unpaid future funds to a contractor, or a portion of a proposed joint facility</p>	<p>Yes</p>
<p>Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)</p>	<p>WALGA's policy position is that the Act is amended to clarify that Independent Living Units where they qualify under the <i>Commonwealth Aged Care Act 1997</i>.</p>	<p>Exemptions under this section of the Act have extended beyond the original intention.</p> <p>Over time, it has seen the rate burden increased to other rate payers.</p>	<p>Yes – in particular the compensatory fund</p> <p>This matter has long been an issue for many local governments.</p>

	<p>In addition, WALGA is seeking:</p> <ul style="list-style-type: none"> • Elimination of exemptions for commercial (non-charitable) business activities of charitable organisations; <u>or</u> • Establish a compensatory fund. Similar to the pensioner discount provisions 	<p>Under the <i>Rates and Charges (Rates and Deferments) Act 1992</i>, the rebate amount is applied as follows:</p> <p>The concession is available as either a rebate on, or the deferment of, this charge. Pensioners or seniors who own and occupy residential property as their ordinary place of residence and have one or more of the following cards may be entitled to a rebate:</p> <p>Pensioner Concession Card or State Concession Card are entitled to receive up to a 50% rebate on local government rates. The rebate will be limited to a cap of \$750 for the 2017-18 rating year.</p> <p>WA Seniors Card and Commonwealth Seniors Health Card are entitled to receive up to a 50% rebate local government rates. The rebate will be limited to a maximum cap of \$750 for the 2017-18 rating year.</p> <p>WA Seniors Card are entitled to receive up to a 25% rebate local government rates. The rebate will be limited to a maximum cap of \$100 for the 2017-18 rating year.</p> <p>Partial concessions are available to pensioners and seniors who own and occupy their property at 1 July and become eligible during that financial year.</p> <p>Note: Eligible family members who are providing independent accommodation for a disabled family member may be entitled to receive a rates rebate.</p>	<p>For the Shire of Morawa, the upper limit of the rebate applied is \$400 for 17/18.</p> <p>Organisations are now taking local governments to SAT to have rating decisions overturned where charitable land use has not been recognised by local governments.</p> <p>The Department's guidelines on this matter also need further clarification</p>
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<p>Basis of Rates: Section 6.28</p>	<p>1. It is suggested that other valuation methods of land are used other than GRV or UV. This could include: Capital Value – the value of the land including improvements;</p> <p>2. Amend Section 6.28 so that Differential Rating can be applied on the time land remains undeveloped</p>	<p>Capital Improved valuations occur in Victoria and South Australia. These are generally defined as:</p> <ul style="list-style-type: none"> • Buildings and structures; • Wells, dams and reservoirs; • Planting of trees for commercial purposes. <p>The justification for capital value in South Australia is as follows:</p> <ul style="list-style-type: none"> • Rates constitute a system of taxation and the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth; • Property value is a relatively good indicator of wealth, and capital value, which closely approximates the market value of a property, provides the best indicator of overall property value. <p>Land that is undeveloped for long periods of time can get in the way of other developments</p>	<p>Yes to both proposals.</p> <p>Capital improvements on UV properties that are outside the existing categories would be appropriate i.e. recognises other activity apart from farming and mining</p> <p>In terms of undeveloped land the issue here is whether it leads to land fracturing and thus urban sprawl</p>
<p>Differential General Rates: Section 6.33</p>	<p>As per the previous section regarding Section 6.28 - Point 2</p>	<p>Time base differential rating</p>	<p>Yes</p>
<p>Service of Rate Notices: Section 6.41</p>	<p>Section 6.41 amended to allow rate notices to be issued electronically and flexibility to offer regular rate payments</p>	<p>Any option to assist and make simpler for a person paying their rates is a key customer initiative/service</p>	<p>Yes</p> <p>However, the <i>Electronic Transactions Act 2011</i> requires the recipient to give permission first to receive a document electronically.</p>

			Local governments are already providing flexibility regarding payment arrangements (common sense)
Rates or Service Charges Recoverable in Court: Section 6.56	All costs associated with a debt recovery be recoverable and not limited to “cost of proceedings”	This is a tidy up provision	Yes
Rating Exemptions – Rate Equivalency Payments	Legislation should be amended so rate equivalency payments made by Landcorp and other Government Trading Entities are made to local governments instead of the State Government	The clear example is where Landcorp has developed land in a local government district and pays the Treasurer an amount equal to that which would have otherwise been payable in local government rates	Yes The local rate payers should not have to pick up the rate burden in this instance
Rating Restrictions – State Agreement Acts	WALGA’s position is that resource projects covered by the State Agreements Act should be liable for local government rates	In 2011 and 2015, the State Government introduced and extended the use of GRV to mining, petroleum and resource interests. However, it is not applicable to those State Agreement Acts prior to July 2012: Before the 1980s, State Government conditions of consent for major resources projects in WA included the requirement for purpose-built towns in close proximity to project sites e.g. Tom Price, Parburdoo, Newman etc. . These conditions were detailed in State Agreement Acts, which are essentially contracts between the State Government and proponents of major resources projects that are ratified by the State Parliament.	Yes All mining project sites should have local government land rating applied to them. It is unfair that the current ratepayers continue to carry the burden for the exempt mining projects.

		The requirement to provide community services and infrastructure meant State Agreement Acts typically included a Local Government rating exemption clause. Many of these towns (handing over of closed mining towns) have since been 'normalised' due to Local Governments, the State Government and utility providers assuming responsibility for services and infrastructure.	
Local Government (Financial Management) Regulations 1996 – Exemption from AASB 124: Regulation 4	<p>Regulation 4 of the Financial Management Regulations. allow a mechanism for exemption from the Australian Accounting Standards (AASB).</p> <p>A Zone has asked that the exemption be applied to Related Party Disclosures</p>		<p>Yes</p> <p>Declarations of interest at meetings and the completion of Primary and Annual Returns already deal with the matter of "related parties".</p>
Part 7 – Audit	<p>As per the Local Government Amendment (Auditing) Bill 2017, much of Part 7 of the LG Act is removed</p> <p>State Government will pay the cost for performance audits</p>	<p>By financial year 2020/2021, all local governments will be audited by the Auditor General, regardless of whether or not their contracts have expired. This also means the Auditor General will be responsible for setting the scope for the annual audit instead of the local government.</p> <p>The Bill also provides for a new category of audits known as "performance audits" which will examine the economy, efficiency and effectiveness of any aspect of a local government's operations.</p>	<p>Yes</p> <p>The State should pay for audits regarding a particular purpose as this is an additional burden that local governments have not anticipated</p>

Part 8 – Scrutiny of the Affairs of Local Government

Stand Down Provision – New Proposal

WALGA’s position is that it supports in principle a proposal for individual elected members to be stood down when under investigation, charged or their continued presence prevents Council from properly discharging its functions or affects its reputation.

Further policy work is required re incorporating natural justice and procedural fairness and what is meant by disruptive behaviour

In 2008 a discussion paper was circulated that encapsulated the following principles:

- An elected member to have the ability to stand down;
- An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest;
- The Standards Panel to make the stand down decision;
- Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department;
- Three to six months stand down periods with six month extensions;
- The elected member to remain entitled to meeting fees and allowances; and
- Inclusion of an offence for providing false information leading to a stand down.

Yes

The current system of suspending or dismissing a Council because of one individual or a number of individuals is unfair to the remaining members of that Council, the CEO and the administration and the community as a whole.

Part 9 – Miscellaneous Provisions

Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)

Amend Section 9.13 by introducing the definition of “responsible person” and enable local governments to apply provisions regarding vehicle related offences

A number of matters have been dismissed by the courts where the owner of the vehicle has requested that a matter proceed and then state they do not recall who was driving at the time of the offence.

Yes

		<p>The definition of responsible person is a case in point under the Litter Act where it has used the same definition in the Road Traffic Act. The principle is that the responsible person is one who is taken to have committed the offence where it cannot be established who the driver of the vehicle was at the time (So the owner becomes the responsible person).</p> <p>The LG Act defines a vehicle offence as one against the Act of which the use, driving, parking, standing or leaving of a vehicle is an element. Typically this might be a vehicle used by the owner to obstruct local government works</p>	
Schedule 2.1 – Creating, Changing Boundaries and Abolishing Districts			
Poll Provisions: New Proposal	<p>WALGA’s position is:</p> <p>Schedule 2.1 of the <i>Local Government Act 1995</i> should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.</p>	<p>Dr Chris Berry’s Paper “The Poll Provisions and Local Government Reform in Western Australia, 2016” explains the effect of Schedule 2.1:</p> <p>After a comprehensive review and consultation process, the new Local Government Act 1995 came into effect on 1 July 1996. A new process for local government boundary change was established, with a Local Government Advisory Board replacing the former Local Government Boundaries Commission. Any proposal for boundary change or amalgamation, which could come from the minister, the community or from a local government, must be referred to the board for review. Schedule 2.1 of the act sets out the</p>	<p>Yes</p> <p>However, this proposal should be thoroughly researched and tested against similar considerations that are underway in other country jurisdictions e.g. New Zealand</p>

		<p>inquiry process and relevant criteria. While the specifics of the poll provisions were altered, the spirit of the Dadour provisions was retained, but the key numbers were changed (50% of voters for a binding result rather than one third) to make the process 'more democratic'. Another important change saw the poll provision removed for boundary changes and retained only for amalgamations. This change would have major ramifications when metropolitan boundary changes were being progressed in 2015.</p> <p>There are also provisions in the legislation which allow for local governments to be subsumed by a continuing entity through a boundary adjustment, thus not triggering the poll provisions (this mechanism came to the fore during the Metro Review process).</p>	
Number of Electors: Clause 2.1(1)(d)	Prescribed number of electors is increased from 250 (or 10%) to 500 (or 5%)	<p>The discussion paper mentions 250 (or 5%), but it is currently 250 (or 10%).</p> <p>Recognises changes to population</p>	Yes – however, verify if the decrease to 5% is appropriate
Schedule 2.2 Provisions about Names, Wards and Representation			
Who May Make Submission: Clause 3(1)	Prescribed number of electors is increased from 250 (or 10%) to 500 (or 5%)	<p>The discussion paper mentions 250 (or 5%), but it is currently 250 (or 10%).</p> <p>Recognises changes to population</p>	Yes – however, verify if the decrease to 5% is appropriate
Schedule 4.1 How to Count Votes and Ascertain Result of Election			
Method of Voting	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.	The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.	<p>Yes</p> <p>Elections should remain first-past-the-post. It is the most transparent</p>

		<p>State Council influenced the amendment to Schedule 4.1 in 2009 that returned Local Government elections to a first past the post system from the preferential proportional Representation. The resolution is reiterated here as an indication of the sector's ongoing preference for this vote counting system.</p>	<p>form of voting that is easily followed when the counting of votes is carried out.</p>
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